

Anti-Social Behaviour Policy

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Scottish Social Housing Charter Relevant Standard Outcomes

STANDARD	OUTCOME
<p>Section:- The customer/landlord relationship</p> <p>1. Equalities</p> <p>Social landlords perform all aspects of their housing services so that:</p> <ul style="list-style-type: none"> <i>every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.</i> 	<p>This outcome describes what social landlords, by complying with equalities legislation, should achieve for all tenants and other customers regardless of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, or sexual orientation. It includes landlords' responsibility for finding ways of understanding the rights and needs of different customers and delivering services that recognise and meet these.</p>
<p>3 Participation</p> <p>Social landlords manage their businesses so that:</p> <ul style="list-style-type: none"> <i>tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.</i> 	<p>This outcome describes what landlords should achieve by meeting their statutory duties on tenant participation. It covers how social landlords gather and take account of the views and priorities of their tenants, other customers, and bodies representing them such as registered tenant organisations; how they shape their services to reflect these views; and how they help tenants, other customers and bodies representing them such as registered tenant organisations to become more capable of involvement – this could include supporting them to scrutinise landlord services.</p>
<p>Section:- Neighbourhood and community</p> <p>6 Estate management, anti-social behaviour, neighbour nuisance and tenancy disputes</p> <p>Social landlords, working in partnership with other agencies, help to ensure as far as reasonably possible that:</p>	<p>This outcome covers a range of actions that social landlords can take on their own and in partnership with others. It covers action to enforce tenancy conditions on estate management and neighbour nuisance, to resolve neighbour disputes, and to arrange or provide tenancy support where this is needed. It</p>

<ul style="list-style-type: none">• <i>tenants and other customers live in well-maintained neighbourhoods where they feel safe.</i>	also covers the role of landlords in working with others to tackle anti-social behaviour.
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Scottish Housing Regulator – Relevant Standards of Governance and Financial Management and Guidance

STANDARD	GUIDANCE
<p>1 The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</p>	<p>1.3 The governing body ensures the RSL complies with its constitution and its legal obligations. Its constitution adheres to these Standards and the constitutional requirements set out below.</p>
<p>2 The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</p>	<p>2.1 The RSL gives tenants, service users and other stakeholders information that meets their needs about the RSL, its services, its performance and its future plans.</p> <p>2.4 The RSL seeks out the needs, priorities, views and aspirations of tenants, service users and stakeholders. The governing body takes account of this information in its strategies, plans and decisions.</p>
<p>4 The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.</p>	<p>4.3 The governing body identifies risks that might prevent it from achieving the RSL's purpose and has effective strategies and systems for risk management and mitigation, internal control and audit.</p>

ANTI-SOCIAL BEHAVIOUR POLICY

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ANTI-SOCIAL BEHAVIOUR POLICY

1. INTRODUCTION

- 1.1 Lochalsh and Skye Housing Association (LSHA) offer tenancies across Skye and Lochalsh to people in accordance with the Highland Housing Register Allocations Policy. We house people with many different housing and social needs. We ask our tenants and sharing owners to show consideration and tolerance to their neighbours, and act responsibly within that community. This Policy applies where LSHA tenants and sharing owners or members of their family or visitors to their households are behaving anti-socially.
- 1.2 The primary aims of this Policy are to set out how LSHA will deal with complaints of Anti-Social Behaviour (ASB) and to detail the responsibility of both LSHA and our tenants. The Policy also details the limitations LSHA has, and the limitations of working within the confines of the law.

2. LINKS TO OTHER STRATEGIES AND POLICIES

Our Anti-social Behaviour Policy is particularly, but not exclusively, linked to the following strategies and policies:-

- Housing Allocations Policy
- Estate Management Policy
- Tenancy Sustainment Strategy and Action Plan

3. AIMS AND OBJECTIVES OF THE POLICY

The principal aim of the Policy is to comply with housing legislation (as listed below), regulatory advice and good practice.

- Housing (Scotland) Act 2014
- Housing (Scotland) Act 2010
- Antisocial Behaviour etc (Scotland) Act 2014
- Housing (Scotland) Act 2001
- Equality Act 2010
- Data Protection Act 2018
- Human Rights Act 1998

The Objectives are to:

- Ensure tenants and sharing owners fulfil their obligations in relation to the Tenancy Agreement and Occupancy Agreement.
- Respond quickly to complaints in an effective, sensitive, and consistent manner by undertaking thorough investigations, ensuring accurate record keeping, and keeping complainants informed of progress.
- Advise tenants and sharing owners of the actions they can take in response to ASB.
- Encourage communication and mediation to tackle problems early and effectively, and to minimise the risk of escalation.
- Ensure that staff are fully trained so they have the appropriate skills to deal with issues that arise.
- Provide support and assistance to the victims of ASB.
- Provide good quality information to promote good tenancy relations.
- Monitor and review incidents of ASB, identifying trends and intervening as appropriate.

4. **WHAT CONSTITUTES ANTI-SOCIAL BEHAVIOUR?**

ASB can be difficult to define. It can involve incidents from minor nuisances, noise and neighbour disputes through to serious violence or intimidation or drug dealing.

The ASB (Scotland) Act 2004 defines ASB as:

“to act in a way that causes or is likely to cause alarm or distress to anyone; or behave in a way that causes or is likely to cause alarm or distress to at least one person not of the same household as them.”

The expression 'likely to cause' means that someone other than a victim of the antisocial behavior can give evidence about whether behaviour is antisocial or not.

5. **DEALING WITH ANTI-SOCIAL BEHAVIOUR**

Although LSHA will encourage neighbours to resolve their own problems as far as is practicable, the Association will treat all cases of ASB seriously. We will respond promptly and appropriately to neighbour complaints and incidents of ASB, and take a preventative approach, with legal action as a last resort.

We recognise that ASB is not just a housing management issue, and we will work with other LSHA services and external agencies where this helps to resolve problems.

We will, however, take firm action against tenants or sharing owners who persistently commit serious breaches of tenancy/occupancy conditions.

The initial step on receipt of a complaint is to analyse and categorise it, and ensure an appropriate response. Categorised complaint examples are tabulated below (note this is not an exhaustive list).

CATEGORY A (Severe)	CATEGORY B (Serious)	CATEGORY C (Less Serious)
Drug dealing Growing drugs Assault Violent conduct to neighbours or staff Threatening behaviour Wilful fire raising Domestic abuse Harassment (including harassment related to any of the nine protected characteristics; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation)	Frequent disturbances Vandalism/ graffiti to property Verbal harassment Persistent loud music Drinking alcohol in communal areas	Clash of lifestyles Fly tipping Pet nuisance Boundary disputes Infrequent disturbances

Issues such as dog fouling, untidy gardens, cleanliness of common areas, roads and parking issues will be dealt with under our Estate Management Policy and Procedures.

For all categories, complaints can be reported in person or by phone, but must be followed up in writing to ensure that staff are fully aware of the detail of each case and how it is affecting you and others.

Anonymous complaints will be recorded, but it may not be possible to act on such complaints unless it is possible to verify the issues complained about.

Harassment

Harassment is unacceptable behaviour that is unwanted, unreciprocated and is regarded as offensive by the recipient, whether or not the harasser intended to be offensive. We will not tolerate Hate Crime, and will work closely with Police Scotland where this has been identified.

Low Level or non-corroborated complaints

There are some situations and behaviours which do not constitute ASB, and there is very little we can do to resolve these issues. Some issues simply result from the differences in the way that people lead their lives. Examples include:

- A neighbour using a washing machine early in the evening.
- The sound of a neighbour moving around their house in the flat above.
- Children playing in an appropriate manner and at a reasonable time.

We also recognise that, in some circumstances, there may be limits on what LSHA can do to resolve alleged ASB. Examples include where:

- There is no evidence or corroboration to support the claims;
- An investigation concludes that there was no evidence of ASB or breach of tenancy/occupancy.

6. PREVENTION, PARTNERSHIP WORKING AND ENFORCEMENT

6.1 Prevention

We will do all we can to minimise the occurrence of potential for ASB by being very clear on the expectations and responsibilities for both LSHA and our tenants/sharing owners. We will:

- Carry out pre-tenancy checks before arranging sign-up of new tenants.
- Advise all new tenants/sharing owners of their responsibilities not to act in an anti-social way.
- Visit every new tenant within the first 6-8 weeks of their new tenancy.
- Undertake regular estate inspections; identify any security or vandalism issues, graffiti, etc.
- Provide a responsive maintenance service which responds quickly to reports of graffiti, fly tipping, damage to property, etc.
- Signpost vulnerable tenants for appropriate tenancy support.
- Work with key partners to ensure a joined-up approach to tackling ASB.

6.2 Partnership working

We understand that we cannot tackle ASB effectively if we work in isolation. In prevention, early intervention and enforcement, it is essential to work with other agencies and providers to develop an effective approach to local problems. The entire Category A complaints listed in 4 above are of a criminal nature, and must be reported to Police Scotland in the first instance. Among others, we work with:

- Police Scotland; Scottish Fire & Rescue Services; Environmental Health, Community Mental Health Teams: GPs, Health & Social Care.
- Mediation Services.

We are also involved in multi-agency forums which include:

- MARAC
- MAPPA
- Child Protection Conferences
- Ad hoc meetings with other external agencies to discuss individual cases.

6.2.1 Health issues

It is possible for individuals to display ASB due to health conditions. Where an individual has, or is suspected of having, such a condition, advice will be sought from experts in the area on available support. This will be done in accordance with GDPR legislation.

This does not mean that action will not be taken but the wider circumstances and support being made available should be fully considered. Decisions will be taken on a case-by-case basis.

6.3 Enforcement

We encourage tenants and sharing owners to be tolerant and mindful of neighbours, and encourage them to try and resolve differences with one another in the first instance. Depending on the circumstances, and the nature of the ASB, the following forms part of our “tool kit”.

- Meetings/telephone discussions/email discussions.
- Verbal/written warnings – Formal recordings will be made of all interactions to ensure evidence is gathered to support any legal action.
- ASB Orders – where appropriate we will work with Police and our tenants to secure an ASBO.
- Interdicts – where appropriate we will liaise with Police and Solicitors.
- Short Scottish Secure Tenancies (SSST) – for new tenants or to convert an existing tenancy to a SSST where an existing tenant, or a member of the household or a person visiting the house, has acted in an anti-social manner within the last 3 years. (We have a separate policy for deciding when we will use our powers to convert a SST to a SSST).
- Eviction will only be used where all other remedies have been considered or failed.
- We have a separate policy for deciding when we will use our powers to use the streamlined eviction procedure on the basis of conviction.

7. SOCIAL MEDIA

Unfortunately, some people use social media for making offensive and/or inappropriate comments.

For general unpleasant or inappropriate posts, in the first instance, tenants will be advised to contact the social media site on which the comments have been made, and ask for their assistance. If they believe they have been libelled to the extent that they wish to take legal action, they will be advised to consult with a solicitor.

8. MONITORING AND REPORTING

LSHA has a duty to complete the Annual Return on the Charter (ARC) to the Scottish Housing Regulator. This provides key information on our performance in resolving ASB complaints. This includes:

- Number of cases reported within the year
- Number of cases resolved within the year
- Number of conversions to SSST (from May 2019)
- Number of streamlined evictions (from May 2019)

9. GENERAL DATA PROTECTION REGULATIONS

9.1 The Association will treat your personal data in line with our obligations under the current data protection regulations and our own policies and procedures.

9.2 Information regarding how your data will be used and the basis for processing your data is provided in the Association's Privacy Policy.

10. REVIEW OF POLICY

10.1 This document will be reviewed by the Management Committee or Sub-Committee set up for that purpose in accordance with the requirements of the Association's Register of Policies and Procedures.
